

Statutory Instrument 1998 No. 2409

The Prohibition of Keeping or Release of Live Fish (Specified Species) Order 1998

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STATUTORY INSTRUMENTS

1998 No. 2409

RIVER, ENGLAND AND WALES

SALMON AND FRESHWATER FISHERIES

The Prohibition of Keeping or Release of Live Fish (Specified Species) Order 1998

<i>Made</i>	<i>24th September 1998</i>
<i>Laid before Parliament</i>	<i>30th September 1998</i>
<i>Coming into force in accordance with article 1(2)</i>	

The Minister of Agriculture, Fisheries and Food, in relation to England, and the Secretary of State for Wales, in relation to Wales, in exercise of the powers conferred on them by section 1(1) of the Import of Live Fish (England and Wales) Act 1980[1] and all other powers enabling them in that behalf; and, in accordance with section 1(2) of the Act, after consultation with the Nature Conservancy Council for England and the Countryside Council for Wales and such other persons as the Minister and the Secretary of State consider appropriate; and being of the opinion that the species of live fish to which this Order applies might compete with, displace, prey on or harm the habitat of any freshwater fish, shellfish or salmon in England and Wales, hereby make the following Order:

Citation, commencement and extent

1. - (1) This Order may be cited as the Prohibition of Keeping or Release of Live Fish (Specified Species) Order 1998 and shall extend to England and Wales.

(2) This Order shall come into force-

(a) in relation to fish first kept before 1st November 1998, on 1st May 1999; and

(b) in relation to fish first kept or released on or after 1st November 1998, on that date.

Prohibition of keeping or release of specified fish

2. No person shall keep or release in any part of England and Wales any live fish of the species specified in the Schedule to this Order, except under the authority of a licence granted by the Minister.

Elliot Morley

Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food

21st September 1998

Jon Owen Jones

Parliamentary Under Secretary of State, Welsh Office

24th September 1998

SCHEDULE

Article 2

SPECIES OF FISH WHOSE KEEPING OR RELEASE IN ANY PART OF ENGLAND AND WALES IS PROHIBITED EXCEPT UNDER AUTHORITY OF A LICENCE GRANTED BY THE MINISTER

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>
American brook trout	<i>Salvelinus fontinalis</i>
Asp	<i>Aspius aspius</i>
Big-head carp	<i>Aristicthys nobilis</i>
Bitterling	<i>Rhodeus sericeus</i>
Blageon	<i>Leuciscus souffia</i>
Blue bream	<i>Abramis ballerus</i>
Burbot	<i>Lota lota</i>
Catfish	species of the genera <i>Ictalurus</i> and <i>Silurus</i>

Chinese black or snail-eating carp	<i>Mylopharyngodon piceus</i>
Danubian bleak	<i>Chalcalburnus chalcoides</i>
Grass carp	<i>Ctenopharyngodon idella</i>
Landlocked salmon	non-anadromous varieties of the species <i>Salmo salar</i>
Large-mouthed black bass	<i>Micropterus salmoides</i>
Mediterranean barbel	<i>Barbus meridionalis</i>
Nase	<i>Chondrostoma nasus</i>
Pacific salmon and trout (excluding rainbow trout but including steelheads)	species of the genus <i>Oncorhynchus</i>
Paddlefish	species of the genera <i>Polyodon</i> and <i>Psephurus</i>
Pike-perch (including zander)	species of the genus <i>Stizostedion</i>
Pumpkinseed	<i>Lepomis gibbosus</i>
Rock bass	<i>Ambloplites rupestris</i>
Schneider	<i>Alburnoides bipunctatus</i>
Silver carp	<i>Hypophthalmichthys molitrix</i>
Sturgeon or sterlet	species of the genera <i>Acipenser</i> , <i>Huso</i> , <i>Pseudoscaphirhynchus</i> and <i>Scaphirhynchus</i>
Topmouth gudgeon	<i>Pseudorasbora parva</i>
Toxostome (or French nase)	<i>Chondrostoma toxostoma</i>
Vimba	<i>Vimba vimba</i>

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made under section 1 of the Import of Live Fish (England and Wales) Act 1980 ("the Act"), and which comes into force, in relation to fish first kept before 1st November 1998, on 1st May 1999 and, in relation to all other fish, on 1st November 1998, prohibits the keeping or release in England and Wales of any species of fish specified in the Schedule to the Order, except under authority of a licence granted by the Minister.

Section 3 of the Act provides that any person who keeps or releases any of the species of fish listed in the Schedule to this Order without a valid licence or who contravenes the terms of a licence shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

A regulatory impact assessment has been prepared in relation to this Order and deposited in the libraries of both Houses of Parliament. Copies may be obtained from:

Fisheries Division IIB

(Aquaculture, Salmon and Freshwater Fisheries)

Ministry of Agriculture, Fisheries and Food

Room 308, Nobel House

17 Smith Square

London SW1P 3JR.

Notes:

[1] 1980 c. 27; section 1(2) was amended by the Environmental Protection Act 1990 (c. 4), section 132(1)(a) and Schedule 9, paragraph 8; section 1(3) was amended by the Fisheries Act 1981 (c. 24), section 37(2); see section 4 for definitions of "the Minister", "fish" and "shellfish".back

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